

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

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In re:

Chapter 13

Kathleen Rodriguez,  
Debtor

Case No. 17-22661-gmh

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**STIPULATION ALLOWING WITHDRAWAL OF  
MOTION TO DISMISS FILED ON JANUARY 22, 2018**

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A Motion to Dismiss pursuant to 11 U.S.C. §1307(c)(6) was filed on January 22, 2018.

The undersigned parties hereby stipulate and show the Court the following:

**WHEREAS**, PROF-2013-S3 Legal Title Trust II, by U.S. Bank National Association, as Legal Title Trustee, its successors and/or assignees (hereinafter collectively, and at all times material hereto, the “movant”) is represented by its attorneys, Cummisford, Acevedo & Associates, LLC, the debtor, Kathleen Rodriguez, is represented by Bankruptcy Law Office of Richard A. Check S.C., and the Chapter 13 Trustee is Rebecca Garcia.

**WHEREAS**, the movant is the creditor on the mortgage loan for the debtor’s homestead property located at 3121 S 41<sup>st</sup> Street, Milwaukee, Wisconsin 53215.

**WHEREAS**, pursuant to the movant’s filed proof of claim, the pre-petition arrearage is \$24,977.99.

**Drafted by:**

Attorney Michael Acevedo  
Cummisford, Acevedo & Associates, LLC  
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**WHEREAS**, the post-petition arrearage on the debtor's mortgage loan is \$9,868.10, which is itemized as follows:

Eleven (11) mortgage payments at \$897.10 each: (April 2017 through February 2018)	\$9,868.10
Less debtor's suspense balance:	<u>\$ (0.00)</u>
 TOTAL POST-PETITION ARREARAGE:	 <u>\$9,868.10</u>

**NOW, THEREFORE**, the parties agree as follows:

**IT IS STIPULATED** that the movant is allowed to withdraw the Motion to Dismiss filed on January 22, 2018.

**IT IS FURTHER STIPULATED** that the debtor shall amend the plan by March 9, 2018 to account for the total arrearage of \$34,846.09, which is the sum of the pre-petition arrearage and the post-petition arrearage listed previously.

**IT IS FURTHER STIPULATED** that the movant may file an Affidavit or Certificate of Default and Order Dismissing the case if the Debtor fails to comply with the deadline stated above. This deadline will be strictly enforced.

**IT IS FURTHER STIPULATED** that the withdrawal of the Motion to Dismiss is without prejudice to the movant filing another Motion for any further defaults.

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Dated this 22<sup>nd</sup> day of February, 2018.

**Cummisford, Acevedo & Associates, LLC**

By: Jamie Bouvette

Jamie Bouvette #1070538  
Michael Acevedo, #1022634  
7071 S. 13<sup>th</sup> Street, Suite 100  
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Attorney for the movant

**Bankruptcy Law Office  
of Richard A. Check S.C.**

By: Richard A. Check

Richard A. Check, #1012204  
757 North Broadway, Suite 401  
Milwaukee, WI 53202  
Attorney for Kathleen Rodriguez

**Chapter 13 Trustee**

Rebecca A. Quiroz

Digitally signed by Rebecca A  
Quiroz  
DN: cn=Rebecca A Quiroz, c=US,  
o=Chapter 13 Trustee Oshkosh,  
email=rebecca@ch13oshkosh.com  
Date: 2018.02.22 14:30:18 -06'00'

By: Rebecca Garcia

Rebecca Garcia  
PO Box 3170  
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